

United States District Court
 District of Massachusetts

Joan Lauren Schaub

V.

NORFOLK FINANCIAL;
 DANIEL W. GOLDSTONE, ESQ.
 GOLDSTONE & SUDALTER, PC
 MAUREEN FORSYTH, ESQ. Referred to Ch. MJ MB Boulton

RECEIPT # 65923
 AMOUNT \$ 250.00
 SUMMONS ISS. yes
 LOCAL RULE 4.1 ACTION
 WAIVER OF SERV. yes
 COPIES ISSUED 1
 FILED 120/08 121 08
 BY DPT CLK 08
 DATE 7-27-08

05-11587 MLW

COMPLAINT

- 1) The plaintiff is a resident of Boston, SUFFOLK COUNTY, MASSACHUSETTS and a citizen of the United States
- 2) THE DEFENDANT NORFOLK FINANCIAL
IS A CREDIT CARD COLLECTIONS
AGENCY AND PURCHASER OF CREDIT
CARD DEBT. THE DEFENDANT DANIEL
W. GOLDSTONE, ESQ. IS ONE OF THE
PRINCIPALS OF NORFOLK FINANCIAL
AND OF GOLDSTONE & SUDALTER, PC
AND IS ALSO AN ATTORNEY. THE
DEFENDANT GOLDSTONE & SUDALTER, PC
IS ONE OF THE COMPANIES BELONGING
TO DANIEL W. GOLDSTONE AND THE
FIRST ENTITY TO MAKE COLLECTION
ATTEMPTS. THE DEFENDANT MAUREEN
FORSYTH IS AN ATTORNEY AND AN

- 2 -

EMPLOYEE AND/OR REPRESENTATIVE
OF NORFOLK FINANCIAL AND DANIEL
W. GOLDSTONE, ESQ

JURISDICTION

- 3) THIS COURT HAS JURISDICTION
OVER THIS MATTER PURSUANT TO
28 U.S.C. 51331 (51331).

FACTS

- 4) ON JULY 28, 2005 AND AUGUST
16, 2004 NORFOLK FINANCIAL CORP.
DANIEL W. GOLDSTONE, ESQ., AND
MAUREEN FORSYTH, ESQ.
CAUSED NOTICES TO BE MAILED
TO PLAINTIFF "JOAN SCHAUB"
THAT MADE MISREPRESENTATIONS
FALSE
OF THE AMOUNT OF DEBT
THAT MAY BE DUE TO THEM
AS PURCHASERS OF CREDIT
CARD DEBT— AND CONTINUING
A PATTERN OF MISREPRESENTATION
FALSE
OF ALLEGED DEBT AMOUNTS
BEGUN WITH COLLECTION
PRACTICES OF GOLDSTONE &
SUDALTER, P.C.

5) DEFENDANTS SENT THIS NOTICES OF FALSE MISREPRESENTATION OF THE AMOUNTS OF DEBT ALLEGED DUE THEM IN CONNECTION WITH COURT PROCEEDINGS AT THE STATE ~~LEVEL~~ LEVEL KNOWING THE AMOUNTS TO BE FALSE ~~AND~~ — ALTHOUGH PLAINTIFF DID NOT KNOW THEY WERE FALSE.

6) DEFENDANTS ENGAGED IN A CONTINUING PATTERN OF MISREPRESENTATION AND OTHER HARASSMENT AGAINST PLAINTIFF CAUSING PLAINTIFF SIGNIFICANT EMOTIONAL DISTRESS AND OTHER EFFECTS

7) WHEREFORE, the Plaintiff demands judgment against the defendants for damages and such other RELIEF AS THIS COURT DEEMS JUST.

8) PLAINTIFF ~~REQUESTS~~ TRIAL BY JURY. DEMANDS

Plaintiff, Bro-Se

Joan LAUREN SCHAUB

35 APPLETON ST.
BOSTON, MASS 02116
617.542.0365

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

JOAN LAUREN SCHAUB

(b) County of Residence of First Listed Plaintiff

SUFFOLK

(EXCEPT IN U.S. PLAINTIFF CASES)

35 Appleton St.
Boston, MA. 02116

(c) Attorney's (Firm Name, Address, and Telephone Number)

617.542.0365 PRO-SE

DEFENDANTS

NORFOLK FINANCIAL;
DANIEL W. GOLDSTONE, ESQ.
GOLDSTONE & SUDALTER, PC

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorney's (If Known)

05 - 11587 MLW, Esq.

II. BASIS OF JURISDICTION

(Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff☒ 3 Federal Question
(U.S. Government Not a Party)☐ 2 U.S. Government Defendant☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State

☒ DEF 1

Incorporated or Principal Place of Business In This State

☐ PTF 4 ☒ DEF 4

Citizen of Another State

☐ 2 ☐ 2

Incorporated and Principal Place of Business In Another State

☐ 5 ☐ 5

Citizen or Subject of a Foreign Country

☐ 3 ☐ 3

Foreign Nation

☐ 6 ☐ 6

IV. NATURE OF SUIT

(Place an "X" in One Box Only)

CONTRACT

- ☐ 110 Insurance
☐ 120 Marine
☐ 130 Miller Act
☐ 140 Negotiable Instrument
☐ 150 Recovery of Overpayment & Enforcement of Judgment
☐ 151 Medicare Act
☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
☐ 153 Recovery of Overpayment of Veteran's Benefits
☐ 160 Stockholders' Suits
☐ 190 Other Contract
☐ 195 Contract Product Liability
☐ 196 Franchise

TORTS

- PERSONAL INJURY**
☐ 310 Airplane
☐ 315 Airplane Product Liability
☐ 320 Assault, Libel & Slander
☐ 330 Federal Employers' Liability
☐ 340 Marine
☐ 345 Marine Product Liability
☐ 350 Motor Vehicle
☐ 355 Motor Vehicle Product Liability
☐ 360 Other Personal Injury

- PERSONAL INJURY**
☐ 362 Personal Injury - Med. Malpractice
☐ 365 Personal Injury - Product Liability
☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY

- ☐ 370 Other Fraud
☐ 371 Truth in Lending
☐ 380 Other Personal Property Damage
☐ 385 Property Damage Product Liability

FORFEITURE/PENALTY

- ☐ 610 Agriculture
☐ 620 Other Food & Drug
☐ 625 Drug Related Seizure of Property 21 USC 881
☐ 630 Liquor Laws
☐ 640 R.R. & Truck
☐ 650 Airline Regs.
☐ 660 Occupational Safety/Health
☐ 690 Other

BANKRUPTCY

- ☐ 422 Appeal 28 USC 158
☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS

- ☐ 820 Copyrights
☐ 830 Patent
☐ 840 Trademark

OTHER STATUTES

- ☐ 400 State Reapportionment
☐ 410 Antitrust
☐ 430 Banks and Banking
☐ 450 Commerce
☐ 460 Deportation
☐ 470 Racketeer Influenced and Corrupt Organizations
☒ 480 Consumer Credit
☐ 490 Cable/Sat TV
☐ 810 Selective Service
☐ 850 Securities/Commodities/Exchange
☐ 875 Customer Challenge 12 USC 3410
☐ 890 Other Statutory Actions
☐ 891 Agricultural Acts
☐ 892 Economic Stabilization Act
☐ 893 Environmental Matters
☐ 894 Energy Allocation Act
☐ 895 Freedom of Information Act
☐ 900 Appeal of Fee Determination Under Equal Access to Justice
☐ 950 Constitutionality of State Statutes

REAL PROPERTY

- ☐ 210 Land Condemnation
☐ 220 Foreclosure
☐ 230 Rent Lease & Ejectment
☐ 240 Torts to Land
☐ 245 Tort Product Liability
☐ 290 All Other Real Property

CIVIL RIGHTS

- ☐ 441 Voting
☐ 442 Employment
☐ 443 Housing/Accommodations
☐ 444 Welfare
☐ 445 Amer. w/Disabilities - Employment
☐ 446 Amer. w/Disabilities - Other
☐ 440 Other Civil Rights

PRISONER PETITIONS

- ☐ 510 Motions to Vacate Sentence
Habeas Corpus:
☐ 530 General
☐ 535 Death Penalty
☐ 540 Mandamus & Other
☐ 550 Civil Rights
☐ 555 Prison Condition

LABOR

- ☐ 710 Fair Labor Standards Act
☐ 720 Labor/Mgmt. Relations
☐ 730 Labor/Mgmt. Reporting & Disclosure Act
☐ 740 Railway Labor Act
☐ 790 Other Labor Litigation
☐ 791 Empl. Ret. Inc. Security Act

SOCIAL SECURITY

- ☐ 861 HIA (1395ff)
☐ 862 Black Lung (923)
☐ 863 DIWC/DIWW (405(g))
☐ 864 SSD Title XVI
☐ 865 RSI (405(g))

FEDERAL TAX SUITS

- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
☐ 871 IRS—Third Party 26 USC 7609

V. ORIGIN

(Place an "X" in One Box Only)

☒ 1 Original Proceeding☐ 2 Removed from State Court☐ 3 Remanded from Appellate Court☐ 4 Reinstated or Reopened☐ 5 Transferred from another district (specify)☐ 6 Multidistrict Litigation☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 USC 5 ~ 1692e

Brief description of cause:

FALSE REPRESENTATION OF AMOUNT OF Debt

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) JOAN LAUREN SCHAUB VS.
NORFOLK FINANCIAL / DANIE DANIEL W. GOLDSTONE ESQ.

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

- ☐ I. 160, 410, 470, 535, R.23, REGARDLESS OF NATURE OF SUIT.
- ☐ II. 195, 196, 368, 400, 440, 441-446, 540, 550, 555, 625, 710, 720, 730, *Also complete AO 120 or AO 121 for patent, trademark or copyright cases
740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950.
- ☐ III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.
- ☒ IV. 220, 422, 423, 430, 460, 480, 490, 510, 530, 540, 560, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.
- ☐ V. 150, 152, 153.

05-11587 MLW

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES ☐NO ☒

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES ☐NO ☐

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES ☐NO ☐

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES ☐NO ☐

7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

YES ☐NO ☐

A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division ☐Central Division ☐Western Division ☐

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division ☐Central Division ☐Western Division ☐

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES ☐NO ☐

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME

ADDRESS

TELEPHONE NO.

PRO-SE

JOAN LAUREN SCHAUB

35 Boston Appleton St. Boston 02116

617.542.8365